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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13

14 LIVING ASSISTANCE SERVICES,
INC. d/b/a VISITING ANGELS

15 Plaintiff,
16

17 v.

18 VISITING ANGELS HOME HEALTH
SERVICES, INC., et al.

19 Defendants.
20
21

Case No.: 2:12-cv-09002-DSF-JC

AMENDED STIPULATION TO
MODIFY THE COURT'S
SCHEDULING AND CASE
MANAGEMENT ORDER

22 1. The parties hereto, Plaintiff Living Assistance Services, Inc. d/b/a
23 Visiting Angels ("Plaintiff") and Defendants Visiting Angels Home Health Services,
24 Inc. and Naira Tshorokhyan (collectively "Defendants"), by and through their
25 attorneys of record, stipulate to and respectfully request the Court to modify the
26 Scheduling and Case Management Order dated January 23, 2013 ("Scheduling Order")
27 and continue the following dates and deadlines as set forth in the Proposed Scheduling
28 Order:

- a. The trial date presently set for August 5, 2014 at 8:00 am;
- b. The date for hearing motions in *limine* and the Pretrial Conference date presently set for July 21, 2014;
- c. The date for lodging the Pretrial Conference Order and the date for filing an agreed upon set of jury instructions and verdict forms; a joint statement regarding disputed instructions, verdicts, etc.; and oppositions to motions in *limine* presently set for July 9, 2014;
- d. The date for filing the memo of contentions of fact and law; the status report regarding settlement; and motions in *limine* presently set for June 24, 2014;
- e. The last date for hearing motions LR 7 and the last date to amend pleadings or add parties presently set for October 21, 2013;
- f. The non-expert discovery cut-off presently set for October 21, 2013;
- g. The date for expert disclosure (initial) presently scheduled for November 18, 2013;
- h. The date for expert disclosure (rebuttal) presently scheduled for January 6, 2014;
- i. The expert discovery cut-off presently set for February 10, 2014;
- and
- j. The deadline to file a dispositive motion presently set for May 5, 2014.

2. This request is the parties' second request to continue the dates set forth in the Scheduling Order. The parties' first request was filed on October 11, 2013 and was stricken. Pursuant to the Court's Order dated October 23, 2013, the parties have carefully reviewed the requirements set forth in the Court's Scheduling Conference Order, particularly Exhibit A. The parties hereby submit an Amended Stipulation To Modify The Court's Scheduling And Case Management Order and Proposed

1 Scheduling Order which comports with the requirements set forth in the Court's
2 Scheduling Conference Order, particularly Exhibit A.

3 3. To date, the parties have not previously been granted an extension of the
4 deadlines set forth in the Court's Scheduling and Case Management Order.

5 4. The parties request to continue the dates as set forth in the Proposed
6 Scheduling Order because Defendant, Naira Tshorokhyan, has been unable to
7 participate in this litigation due to an ongoing health condition and recent surgery.
8 Accordingly, there is good cause supporting continuance of the dates as set forth in
9 the Proposed Scheduling Order.

10 5. Plaintiff filed the Complaint in this matter on October 18, 2012 for (1)
11 Federal Trademark Infringement; (2) Federal Unfair Competition and False
12 Designation of Origin; (3) State Statutory Unfair Competition; (4) State Statutory
13 Dilution; and (5) Common Law Unfair Competition. Defendants filed their Answer to
14 the Complaint on November 9, 2012. The Court entered the Scheduling Order setting
15 forth the dates described above on January 23, 2013.

16 6. Plaintiff has attempted to diligently prosecute this matter and conduct
17 discovery. Specifically, on July 19, 2013 Plaintiff hand served its first set of
18 discovery requests on Defendants' counsel, including Plaintiff's First Set of Requests
19 for Production of Documents and Things, Plaintiff's First Set of Interrogatories and
20 Plaintiff's First Set of Requests for Admission. In addition, Plaintiff served a Rule
21 30(b)(6) Notice of Deposition on Defendant Visiting Angels Home Health Services,
22 Inc. and a Rule 30(b)(1) Notice of Deposition on Defendant Naira Tshorokhyan.

23 7. Defendant, Naira Tshorokhyan, has been unable to participate in this
24 litigation due to an ongoing health condition and recent surgery. Defendants'
25 responses to Plaintiff's first set of discovery requests were due on August 19, 2013.
26 On August 29, 2013, approximately one week after Defendants' discovery responses
27 were due, Kathleen Wilber, Defendants' counsel's legal assistant, advised that
28 Defendant, Naira Tshorokhyan, was ill and unable to timely respond to Plaintiff's first

1 set of discovery requests. To date, Defendants have not produced any documents or
2 other responses in response to Plaintiff's discovery requests.

3 8. Furthermore, pursuant to the Court's October 18, 2012 Order, the parties
4 were scheduled to participate in a mediation on August 19, 2013. On August 13,
5 2013, Defendants' counsel cancelled the scheduled mediation stating that Defendant,
6 Naira Tshorokhyan, had been unexpectedly hospitalized and had undergone surgery
7 and consequently could not participate in the scheduled mediation because she was
8 still under medical care.

9 9. Moreover, Defendants did not submit a mediation statement in
10 connection with the mandatory mediation scheduled for August 19, 2013.

11 10. To date, Defendants have not served any discovery requests or
12 depositions notices in connection with this action.

13 11. In light of the foregoing, the parties need additional time to complete
14 discovery and prepare for trial. Due to Defendant Naira Tshorokhyan's medical
15 issues, the parties anticipate that they will need at least four additional months to
16 complete fact discovery. The current discovery cut-off dates and related pre-trial
17 dates do not afford sufficient time to complete discovery and prepare for trial.

18 12. In addition, the deadline to participate in mandatory mediation is
19 November 18, 2013. The parties hope to amicably resolve the matter through
20 mandatory mediation.

21 13. Accordingly, the parties, by and through their attorneys of record, hereby
22 stipulate and request that the aforementioned dates set forth in the Court's Scheduling
23 Order be continued as set forth in the Proposed Scheduling Order.

1 DATED: October 24, 2013

Respectfully submitted,

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17 Attorneys for Plaintiff
18 Living Assistance Services, Inc. d/b/a Visiting
19 Angels

20 DATED: October 24, 2013

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